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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

ORACLE USA, INC., et al.,

Plaintiffs,

v.

RIMINI STREET, INC., et al.,

Defendants.

CASE NO. 2:10-cv-00106-LRH-VCF

**DECLARATION OF ERIC D.  
 VANDEVELDE IN SUPPORT OF  
 RIMINI STREET, INC.'S  
 OPPOSITION TO ORACLE'S  
 MOTION FOR RULE 37 SANCTIONS**

**PUBLIC REDACTED VERSION**

1 I, Eric D. Vandavelde, declare as follows:

2 1. I am a partner in the law firm of Gibson, Dunn & Crutcher LLP, and I am one  
3 of the attorneys representing Rimini Street, Inc. in the above-captioned case. I submit this  
4 declaration in support of Rimini's Opposition to Oracle's Motion for Rule 37 Sanctions. The  
5 facts stated in this declaration are based on my personal knowledge, and if called upon as a  
6 witness, I would and could testify competently to them.

7 2. Attached as **Exhibit A** is a true and correct copy of a letter from David  
8 Niegowski to Andrew Obach, dated December 23, 2015, enclosing the production of the AFW  
9 source code to Oracle.

10 3. Attached as **Exhibit B** is a true and correct copy of excerpts from a letter from  
11 Nicholas Herrera to Eric Vandavelde, dated August 21, 2017.

12 4. Attached as **Exhibit C** is a true and correct copy of excerpts from a letter and  
13 attachment from Kathleen Hartnett to Eric Vandavelde, dated September 23, 2019.

14 5. On September 17, 2019, Rimini finished [REDACTED]  
15 [REDACTED]  
16 [REDACTED] Rimini produced the source code for the [REDACTED] to  
17 Oracle on October 8, 2019, so that Oracle could confirm the way it operates. Attached as  
18 **Exhibit D** is a true and correct copy of a letter from Casey McCracken to Kathleen Hartnett,  
19 dated October 8, 2019, reflecting the production of the source code for the [REDACTED]  
20 [REDACTED].

21 6. Attached as **Exhibit E** is a true and correct copy of a letter from Casey  
22 McCracken to Kathleen Hartnett, dated October 7, 2019, corresponding to an initial production  
23 of files transferred via [REDACTED] since  
24 September 17, 2019.

25 7. Attached as **Exhibit F** is a true and correct copy of excerpts from a letter from  
26 Jennafer Tryck to Jacob Minne, dated October 11, 2019.

27 8. Attached as **Exhibit G** is a true and correct copy of an email from Casey  
28 McCracken to counsel for Oracle, dated November 8, 2019. The email explains that "Rimini

1 [REDACTED] on or about September 17, 2019, [REDACTED]  
2 [REDACTED] and that  
3 “[p]ursuant to a request Oracle made on October 2, 2019, we produced to Oracle the files  
4 transferred via [REDACTED] from on or about September  
5 17, 2019, through on or about October 2, 2019.”

6 9. Attached as **Exhibit H** is a true and correct copy of excerpts from a letter from  
7 Jennafer Tryck to Jacob Minne, dated December 3, 2019.

8 10. Attached as **Exhibit I** is a true and correct copy of a letter from Casey  
9 McCracken to Kathleen Hartnett, dated December 23, 2019, enclosing the production of  
10 additional files transferred via [REDACTED],  
11 [REDACTED] since the prior production.

12 11. On May 4, 2018, Oracle’s expert, Christian Hicks, submitted an 83-page report  
13 regarding his review of the source code and operation of AFW tools, including TransferFiles.

14 I declare under penalty of perjury under the laws of the United States of America that  
15 the foregoing is true and correct, and that I executed this Declaration on July 24, 2020, at Los  
16 Angeles, California.

17  
18 /s/ Eric D. Vandavelde

19 Eric D. Vandavelde  
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